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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,117	01/25/2007	Willem Herman Stenfert Kroese	903-129 PCT/US	2130
23869	7590	04/27/2009	EXAMINER	
Hoffmann & Baron, LLP			PALADINI, ALBERT WILLIAM	
6900 JERICHO TURNPIKE				
SYOSSET, NY 11791			ART UNIT	PAPER NUMBER
			2836	
			MAIL DATE	DELIVERY MODE
			04/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/522,117	STENFERT KROESE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	ALBERT W. PALADINI	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/24/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bottom (4,413,189).

Limitation 1(a) recites means for at least temporarily bringing the switching element into its closed state". The word temporarily is also used in claim 19. In the description of the switching unit on pages 13-19, the term "temporarily" or "temporary" is not provided, so that it is assumed that the opening or closing of the switching unit alludes to a temporary condition. Thus this term is given no patentable weight.

In (C10, L42-54), Bottom discloses a switching unit with a means for sensing the current consumption of a load, and bringing the switching unit into its opened or closed state dependent upon the criterion. Referring to figures 1 and 2 and (C3, L36) to (C4, L53), Bottom explains the circuit details and operation. This includes the line current sensing by transformer, and fed to terminals of transmitter 26 described in (C4, L26-30), the relay switching based upon the criterion described in (C4, L30-53), and the analysis of the criterion depicted in figure 2 and described from (C3, L36) to (C4, L9).

3. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Keizer (5,486,725).

Limitation 1(a) recites means for at least temporarily bringing the switching element into its closed state". The word temporarily is also used in claim 19. In the description of the switching unit on pages 13-19, the term "temporarily" or "temporary" is

not provided, so that it is assumed that the opening or closing of the switching unit alludes to a temporary condition. Thus this term is given no patentable weight.

In figure 5 described from (C2, L45) to (C3, L3), Keizer discloses a switching unit 33 connected between supply 25 and load 11. In (C4, L13-32), Keizer teaches the monitoring the current drawn by the load by acquiring data on analog input channel 36, and opening or closing switch 33 based on the value of the current relative to a threshold or criterion.

4. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeves (4,761,705).

Limitation 1(a) recites means for at least temporarily bringing the switching element into its closed state". The word temporarily is also used in claim 19. In the description of the switching unit on pages 13-19, the term "temporarily" or "temporary" is not provided, so that it is assumed that the opening or closing of the switching unit alludes to a temporary condition. Thus this term is given no patentable weight.

In (C6, L3-10), Reeves discloses a switching system for opening and closing a switch between a load and supply using the criterion of a load current being below a predetermined amount. First and second monitor circuits 30A-1 and 30A-2 are depicted in figure 2, and described from (C3, L27) to (C4, L21).

#### ***Relevant Prior Art***

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

West (6,252,311) discloses a memory coupled to controllers where the connecting switch opens or closes depending on the detection of a minuscule alternating current, and the switch is activated dependent upon sensed current and associated criteria.

Yang (7,196,433) discloses a multi-output circuit device using three overload breaking switches, which are sequentially controlled as a function of currents in various loads.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Albert W. Paladini whose telephone number is 571-272-3748. The examiner can normally be reached from 7:00 AM to 3 PM on Monday, Tuesday, Thursday or Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richard Elms can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Albert W Paladini/  
Primary Examiner, Art Unit 2836

4/24/09